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THE SPEAKER AND THE COMMITTEES OF THE HOUSE OF REPRESENTATIVES.

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A REVIEW of the history of the first century of the United States shows that this republic has been most fortunate in the selection of the official chiefs of its co-ordinate branches of government—the executive, judicial, and legislative. Rarely has it occurred that a man filling any of these exalted offices has fallen short of the high standard that America demands, and of a few it may be even said that the man has been, if anything, greater than his office. Notwithstanding the detraction of enemies and adulation of friends, it is evident that no inconsiderable number of thinking men consider Thomas B. Reed, the present Speaker of the House of Representatives, as one who overshadows the office; whether rightly or wrongly, it is for future generations to decide.

The power of the Speaker of the House of Representatives has steadily increased from the first Congress to the present, and in its influence on national legislation is believed by many even to exceed that exerted by the President. Samuel J. Randall, through whom the influence of the Speaker was increased more largely than by any other man in this country, once said: “I came to consider that (the Speakership) . . . was the highest office within the reach of American citizens; that it was a grand official station, great in the honors which it conferred and still greater in the ability it gave to impress on our history and legislation the stamp of truth, fairness, justice, and right.”

In view of the recent political struggle in the House of Representatives over the dominating factor of national legislation—the appointment of committees—it seems of timely interest to

trace the growth of the Speakership from an office scarcely above that of moderator to its present autocratic position as a representative exponent of the policy of the dominant party.

It is interesting to note that if the House of Representatives at its first session in 1789 did not clothe the Speaker with autocratic powers, yet it invested the office with an external dignity of a somewhat Turveydrop character. The House, indeed, saved the dignity of the country by disagreeing to the proposition of the Senate to address the President as "His Highness . . . the Protector of their Liberties," but when it came to its presiding officer, the earliest rules ordered that "when the House adjourns, the members shall keep their seats until the Speaker go forth; and then the members shall follow," a procedure that was in force for nearly six years, until November 13, 1794.

The House, however, kept its legislative powers in the hands of its members. Business was often done on the motion of a member. The Speaker appointed only the minor committees, while the important committees were elected by ballot, a fact that is generally unknown. Committee-ships were limited both in power and in tenure of office, service being as a rule for a few days only, and never beyond one session.

The first rules for the House of Representatives, April 7, 1789, were reported by Elias Boudinot on behalf of his fellow-committeemen, Nicholas Gilman, Benjamin Goodhue, Thomas Hartley, Richard Bland Lee, James Madison, Roger Sherman, William Smith, Thomas T. Tucker, and Jeremiah Wadsworth.

Among the most important rules were those setting forth the Speaker's relation to the committees, as follows:

"The Speaker shall appoint committees unless it be determined by the House that the committee shall consist of more than three members, in which case the appointment shall be by ballot of the House."

"Committees consisting of more than three members shall be balloted for by the House; if upon such ballot the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail; and in case a greater number than are required to compose or complete the committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots."

It is to be noticed that all the important committees were named by the House, which in its first session elected nine committees by ballot. While the rules were silent on the subject, yet the tenure was brief, the committee on elections only serving through the session. The policy of the House in 1789 was indicated by the discharge of the Committee on Ways and Means, after less than two months' service, and by the entrusting of all matters to special committees whose tenure expired with brief reports speedily rendered. Even the fourth Congress in 1795 had but two standing committees, and the number in 1805 and in 1815 were but seven and twelve respectively. The fifty-fourth Congress in 1896, on the other hand, had, including three joint committees, no less than fifty-seven standing committees.

The chief officials of the two Houses of Congress evidently viewed with disfavor their restricted powers, and efforts were speedily made to enlarge their scope. Both attempts were along the same lines, to empower the Speaker of the House and the President of the Senate to appoint all committees. The Senate, October 31, 1791, on a motion to alter the Senate rule, which provided for the election of committees by ballot, so that the Vice-President should be empowered to nominate committees in future, declined to surrender its powers and to this day elects its committees.

In the House the Speaker was more successful. The last committee elected by ballot, if indeed it was elected, was that of January 11, 1790, which was constituted to bring in a bill for the enumeration of the inhabitants of the United States. Under the standing rules of the House, this committee, consisting of one member from each State, should have been elected by ballot. The *Annals of Congress*, compiled nearly thirty years later, state that this course was pursued, but the official journal of the House states that the committee was appointed. However this may be, the House immediately thereafter reversed its original action and initiated a policy of strengthening the powers of the Speakership, which has been followed to the present day.

The House Journal of January 13, 1790, contains the following record: "On motion, Ordered, That so much of the standing rules and orders of this House as directs the modes of appointing committees be rescinded; and that hereafter it be a standing rule of the House, that all committees shall be

appointed by the Speaker, unless otherwise especially directed by the House, in which case they shall be appointed by ballot ; and if upon such ballot the number required shall not be elected by a majority of the votes given, the House shall proceed to a second ballot, in which a plurality of votes shall prevail ; and in case a greater number than are required to compose or complete the committee shall have an equal number of votes, the House shall proceed to a further ballot or ballots."

The House Journal and the Annals of Congress are silent as to reasons advanced by Richard Bland Lee, who assisted in formulating the original rules, in moving this change and also as to the vote on the subject. It was undeniably a thin House as no less than fourteen out of its sixty-one members had not qualified. It would hardly seem that the change was dictated by the difficulty of elections, for the House consisted of only sixty-one members and the occasions for elections were infrequent. It may be added that this was the only rule changed by the House during that Congress.

The importance of the committees was obvious at the opening of the second Congress, when immediately after the qualification of the Speaker, Clerk, and members, the House " Ordered, That the Speaker shall appoint committees until the House shall otherwise determine."

The next change of rules, November 13, 1794, affected the chairman of the Committee of the Whole, who under rules of April 7, 1789, " was to be appointed." The new rule put the intention of the House beyond doubt by a proviso that the chairman " shall be appointed by the Speaker."

The increased power of the Speaker proved displeasing to many members, especially those in the political minority, but no open attack was made upon the Speaker's absolute control of committees until the second session of the eighth Congress, when Nathaniel Macon, of North Carolina, was Speaker. It may be added that the persistent and determined attack then made affords the only instance in the history of the House where the power of the Speaker has been even ostensibly diminished. I say ostensibly diminished, for the limitation then placed on the Speaker and the power then granted to committees of electing a member to a vacant chairmanship has never again been exercised.

On November 6, 1804, the House excused Mr. J. C. Smith, chairman of the Committee on Claims, from serving thereon, and S. W. Dana, being appointed on the committee in Smith's place, was regarded by a majority of the committee as being its chairman, thus excluding from promotion Mr. Holmes, who was the second person on the original list. Thereupon a new standing rule was submitted as follows:

“That each of the committees of this House be empowered to appoint a chairman by plurality of votes in all cases where the first-named member of the committee shall be absent, or excused by the House.”

The committee to whom this motion was referred reported in favor of the motion except that the election should be by a *majority* of the committee. The House after debate refused to agree to the resolution by a vote of fifty yeas and sixty-nine nays. Immediately a motion was made that all committees should choose their own chairman, but this with another similar motion failed. But the question would not down, and finally the following standing rule was adopted, November 23, 1804:

“That the first-named member of any committee appointed by the Speaker of the House shall be the chairman, and, in case of his absence, or being excused by the House, the next named member, and so on, as often as the case shall happen, unless the committee shall, by a majority of their number, elect a chairman.”

It does not appear that any chairman has been so elected save in the original case, where the committee was carrying out the wishes of the Speaker.

One contingency, however, that of death, was not taken into consideration, but in providing for it in the amendment of the rules, 1888, the power of the Speaker was again enhanced by adding the following addition to the rule:

“And in the case of the death of a chairman, it shall be the duty of the Speaker to appoint another.”

On April 21, 1803, Mr. James Sloan, after a bitter attack on John Randolph, moved, “for the purpose hereafter of keeping the business of the House of Representatives within its own power,” that all standing committees shall be appointed by ballot and choose their own chairman. This motion was tabled, and being renewed by Mr. Sloan in the next session was defeated by

the very close vote of forty-two "ayes" to forty-four "noes." The question was revived at the beginning of the next Congress, October 28, 1807, by Thomas Blount, but without success. The attempt was renewed in the following Congress by Matthew Lyons, who moved May 23, 1809, that the standing committees be appointed by ballot for the reason that the "course proposed would be more respectful to the nation; and that the person so appointed would feel a greater responsibility to the House." Mr. Gardiner supported the motion as "consistent with the republican mode of proceeding and thinking proper for this country, . . . where the many were as competent as the few or as the one." The motion was defeated by sixty-seven "nays" to forty-one "yeas."

For forty years, until the election of a Speaker by a plurality vote in 1849, there were no further efforts to effect a radical reform in the selection of the standing committees, the intervening attempts being confined to single or to special committees.

However, not infrequent charges of partisanship were made against the Committee of Elections, and in 1813 the effort to set aside as illegal the election of Mr. Hungerford, of Virginia, on a report of the Committee of Elections to that effect, caused much debate. Finally the committee's report was rejected and Hungerford was confirmed in his seat. Rufus King, of Massachusetts, who voted against the report of the committee, moved June 14, 1813, that "the Committee of Elections shall in future be designated by lot, etc."; but the motion was defeated. Similar and unsuccessful attempts were made to change the method of electing this committee in 1838 and 1839.

As regards special committees, Mr. Pitkin's efforts failed, April 4, 1810, to have the committee to inquire into the conduct of General Wilkinson appointed by ballot, the vote being fifty-three "ayes" to sixty-four "noes."

In one case only has the Speaker barely escaped from the election of a special committee by the ballots of the members of the House, March 13, 1832, in connection with the appointment of a special committee on the Bank of the United States, Mr. Stevenson being Speaker. The House, after a long debate, voted by 101 "yeas" to 99 "nays" on a motion by Erastus Root that the committee shall be appointed by ballot. Before the result was announced Mr. Plummer, of Mississippi, who had voted "yea,

changed his vote, thus making a tie, whereupon the Speaker gave the casting vote in the negative.

In the prolonged contest over the election of the Speaker in 1849, when for the first time in the history of the House he was elected by a plurality vote contrary to the standing rules, the general question of the appointment of the committees by the Speaker was again raised. This was natural, as the complexion of the committees was a political factor of primary importance. Mr. Sackett, of New York, then moved "that the committees of this House be appointed by the House under a *viva voce* vote of the members thereof, and that it shall require a majority of those voting to elect." The Speaker ruled the resolution out of order.

In recent years Mr. Gillette's proposition in 1880, to restrict the power of the Speaker to appoint until especially authorized by the House, was unsuccessful. Mr. Orth's motion of January 11, 1882, to change the methods of appointing committees, was referred to the Committee on Rules, of which the Speaker was chairman. Mr. Orth claimed that in the present method "the responsibility was too great for any single individual, and that a one-man power is always dangerous and in conflict with republican principles of government." Several similar but unsuccessful efforts were made later, which need not be dwelt upon.

It may be added that with the increasing power of the Speaker the powers of the committees have been likewise augmented.

A brief statement indicating wherein lies the power of the Speaker and the committees may not be inappropriate. There is no rule requiring committees to report to the House any bills except general appropriations. Seven committees only have the right to report at any time, and then only on matters especially designated. One committee only, that on Rules, of which the Speaker is chairman, has a right to have its report considered at any time; to this committee must go all proposed action touching order of business. No proposition, except by unanimous consent, can be considered unless reported by committee. No member can address the House without being recognized by the Speaker, who decides which of several members rising together shall speak first. The Speaker, without laying them before the House, refers bills, executive reports, etc., to committees, and reports of committees to appropriate calendars, and on such references often depends the fate of a measure.

Until 1861 committeeships expired with each session, but now as regards standing committees the terms are coexistent with the organized life of each Congress. Speaker Colfax, when the power of the House was questioned, decided that "the House of Representatives has the power to instruct any committee which it is authorized to appoint. It is a judicial check upon the power of the Speaker in appointing committees." Such instructions are extremely rare, and the power of each committee over legislation in its particular branch is almost unlimited. It was frequently possible in the early Congresses for individuals to secure at times legislation that had not passed the scrutiny of a committee, but such legislative action is now almost unknown.

Inasmuch as the present system of appointments and the scope of power of committees have been the gradual and uninterrupted growth of a century's experience on the part of the House, it is not probable that any radical changes will be made therein in the near future. Such changes, if made at all, would naturally occur under conditions similar to those which caused the election of coalition Speakers in 1795 and 1839, or of plurality Speakers in 1849 and 1855. Any change would doubtless result in the adoption of strictly American methods, such as those in vogue in the Senate, where committees have always been elected. *THE NORTH AMERICAN REVIEW* for August described the French, German, and Italian methods, where committees are elected by ballot through the medium of sections into which their legislative bodies are divided, but Congress would scarcely import these foreign methods.

Great as are the powers of the Speaker of the House of Representatives, and potent for good or evil as are the committees appointed by him, it is pessimistic to attribute to either or to both a measure of power detrimental to the future weal of the nation. In continual contact with the people, and observant of the glaring publicity that causes frequent reversals of public opinion, it is safe to say that future Congresses, if they should initiate legislation of an objectionable character, would ultimately enact such laws as will harmonize with the intelligent wishes of the people, and tend to the highest development of the Republic.

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